

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:) NO: 20-43850-659
) CHAPTER 13
Bobbie Hemphill,) Hearing Date:
) Hearing Time:
Debtor.) Courtroom: 7 North
TRUSTEE'S AMENDED OBJECTION TO MOTION TO INCUR DEBT

Comes now Diana S. Daugherty, Standing Chapter 13 Trustee,
and states as follows:

1. Debtor's motion fails to adequately describe what is wrong
with Debtor's current vehicle, a 2016 Kia Soul.

a) The motion states only that the 2016 Kia Soul "has major
repairs which are too costly for Debtor to afford."

2. The Trustee requests the following:

a) Disclosure of the specific problems with the 2016 Kia Soul
that require repair, as well as the estimated cost of the
required repairs.

b) Disclosure of whether the 2016 Kia Soul is currently
driveable.

c) Disclosure of whether the 2016 Kia Soul was wrecked post-
petition and, if so, whether the required repairs are a result of
the post-petition wreck and whether Debtor had insurance coverage
at the time of the wreck.

d) Proof of current auto insurance coverage for Debtor as
required by law and Local Rule 2015-2C.

3. Debtor has not filed an amended schedules I and J showing an

ability to fund the plan while paying the proposed post-petition auto loan payment.

a) Pay advices provided to the Trustee on 12/8/2021 show that Debtor has a different job than the one shown in the most recent schedule I that was filed on 3/25/2021.

4. In conjunction with her motion to incur debt Debtor filed a third amended plan wherein Debtor proposes to surrender her 2016 Kia Soul to lienholder Skopos Financial with any deficiency to be paid as a non-priority unsecured claim.

a) The Trustee cannot fully evaluate whether surrender of the 2016 Kia Soul is a good faith proposal until Debtor provides the information requested in paragraph 2 above.

WHEREFORE, the Trustee prays that the Court deny Debtor's motion to incur debt; and for such other relief as this Honorable Court deems necessary and just under the circumstances.

Respectfully Submitted,

/s/ Joseph M. Wilson
Diana S. Daugherty
Chapter 13 Trustee
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above Trustee's Objection was filed electronically with the United States Bankruptcy Court on the 9th day of December, 2021, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

The undersigned hereby certifies that the above Trustee's Objection was filed electronically with the United States Bankruptcy Court and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed below, on the 9th day of December, 2021:

Bobbie Hemphill
12105 Monter Dr.
Bridgeton, MO 63044

/s/ Joseph M. Wilson